

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,
Plaintiff,

v. Criminal No. 05-1849 JH

DANA JARVIS, et al.,
Defendants.

WAIVER OF DEFENDANT DAKOTA FITZNER'S APPEARANCE
AT STATUS CONFERENCE

The Defendant, DAKOTA FITZNER, by and through his attorney, Todd Hotchkiss of Frechette & Associates, P.C., pursuant to Fed. R. Crim. P. 43(b)(3), after consultation with undersigned counsel, hereby waives his appearance at the status conference set for February 13, 2007 as his presence is not required at such a conference and he will appear solely through his counsel.

Respectfully submitted,

/s/ Todd Hotchkiss
TODD HOTCHKISS
FRECHETTE & ASSOCIATES, P.C.
Attorney for DAKOTA FITZNER
P.O. Box 26807
Albuquerque, New Mexico 87125
Tele. (505) 247-8558
E-mail: tbhotchkiss@earthlink.net

/s/ Dakota Fitzner
Dakota Fitzner
Defendant

CERTIFICATE OF SERVICE

I, Todd Hotchkiss, hereby certify that on February 13, 2007 I electronically filed the foregoing waiver through the CM/ECF system and that through that system opposing counsel James Braun, Assistant United States Attorney, and all other attorneys of record will be served with a true and accurate copy.

/s/ Todd Hotchkiss
TODD HOTCHKISS